

FOR ARDEN RESIDENTS

MOTION to change 2 election procedures defined in the Charter (third reading)

Motion:

A) The Registration Committee shall implement the following changes to two election procedures that are defined in the Act to Reincorporate.

1. Change the requirement for passage of a general referendum* from a majority of all eligible voters to a majority of those who vote in the referendum.
2. Codify the use of Absentee Voting in the March Election of Committees and Officers that was approved by the Town Assembly in March 2011 and implemented in March 2012.

B) If approved by the Town Assembly, the Registration Committee will hold a general referendum, presenting each change to the residents of Arden for approval.

C) If approved in the general referendum, the Registration Committee will petition the Delaware state legislature to amend the Town Charter (Act to Reincorporate) to include these changes.

** The general referendum is used to approve the annual budget, to approve the annual assessment when an alternate assessment is proposed, and whenever called for by the Town Assembly for a special issue (e.g., the purchase of the Avery property). This change to the Charter would not apply to the approval of a trustee, which is defined in the Deed of Trust of Jan. 31, 1908, rather than the Act to Reincorporate of Oct. 13, 1967.*

The pertinent sections of the Act to Reincorporate are listed on the reverse side, along with specific language for these changes

The pertinent sections of the Act to Reincorporate are listed below, as well as the specific language for these changes. These specific changes to the Charter will be reviewed by the Delaware Legislature.

1. Change the requirement for passage of a referendum from a majority of all eligible voters to a majority of those who vote in the referendum.

Three changes needed to the charter; new language indicated with underlined text

i. Section 3(b)

“General referendum shall mean an election or vote of all the residents of the Village at which the vote of a majority of the residents ~~of the Village~~ who vote shall be necessary for the passage or approval of any matter...”

ii. Section 7(e)

[In the event of a proposed alternative assessment] “... such proposed rate and the rate determined by the Board shall both be submitted to a general referendum of the residents of the Village... The rate approved ~~by a majority of residents in the general referendum~~ shall be the rate in effect until redetermined in the manner herein provided.”

iii. Section 8(c)

“... The budget, with any amendments thereto, shall be approved by the Town Assembly and submitted to a general referendum of the residents of the Village...The budget, if approved ~~by a majority of the residents of the Village in the general referendum~~, shall govern the use and expenditures of the moneys therein specified...”

2. Codify the use of Absentee Voting in the March Election of Committees and Officers that was approved by the Town Assembly in March 2011 and implemented in March 2012.

The Act to Reincorporate (1967) defined two officers (Town Chair and Secretary) and two committees (Budget and Registration). The power to create additional officers and committees is vested in the Town Assembly [sections 4, 6(a)]. Officers and committees created by the TA can also be modified by the TA. To ensure that Absentee voting is allowed for the two officers and two committees that were not created by the Assembly at a Town Meeting, an article should be added to Section 6: Committees of the Town Assembly

1 addition to the Charter; new language indicated with underlined text:

6 (c) The Election of Committees and Officers shall be held at the regular March meeting of the Town Assembly. Absentee voting shall be allowed for this election. The Registration Committee shall establish and conduct the absentee voting procedure.